

28.01.2021
Court No.28
Item No. 39
Krishnendu
Bail Rejected

CRM 11173 of 2020
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Prasanta Dutta @ Tojo @ Bubun**

.....Petitioner

Mr. Brojesh Jha
Mr.Ravi Ranjan Kumar
Mr. Saket Sharma

....For the Petitioner

Mr. Neguive Ahmed, Id. A.P.P.
Mrs. Amita Gaur

.....For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Basirhat Police Station Case No. 1334 of 2019 dated 26.11.2019 under section 21(C) of the Narcotic Drugs & Psychotropic Substances Act, 1985 (Case No. N- 230 of 2019).

Mr. Jha, learned advocate appearing for the petitioner submits that the petitioner is in custody for about 428 days. Additionally, the learned advocate submits that as the petitioner is in custody for a considerable period of time and as there has been no progress in the case, he may be released on bail on any stringent condition.

Mr. Ahmed, the learned Additional Public Prosecutor appearing for the State opposes the prayer for bail and submits that about 10 litres of codeine mixture were seized from the exclusive possession of the petitioner.

Having regard to the fact that the seizure so effected was of commercial quantity and from the exclusive possession of the

petitioner, we are of the opinion that the provisions of section 37 of the N.D.P.S. Act are attracted and as such the petitioner is not entitled to be released on bail at this stage. Accordingly, the prayer for bail is rejected.

With the aforesaid observations, the application for bail, being CRM No. 11173 of 2020, is dismissed.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)